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213

JS-44 (Rev. 3/08 RI)

CIVIL COVER SHEET

I. (a) PLAINTIFFS

KAREN PETRO, as Administratrix of the
Estate of Mark Jackson(b) County of Residence of First Listed Plaintiff Kent
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Stephen P. Sheehan, Esq.

Wistow & Baryllick, Inc.

61 Weybosset Street

Providence, RI 02903 (401) 831-2700

DEFENDANTS

TOWN OF WEST WARWICK, et al.

County of Residence of First Listed Defendant Kent
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)

Marc DeSisto, Esq.

DeSisto Law

211 Angell Street

Providence, RI 02906 (401) 272-4422

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff
and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|--|----------------------------|----------------------------|--|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place
of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place
of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a
Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Admiralty

- ☐ 340 Marine (Injury to
Seamen)
- ☐ 120 Marine (Other)

Admin/Agency Appeals Other

- ☐ 890 Other Statutory Actions
(APA Appeals, IDEA
Appeals, Other)

Bankruptcy

- ☐ 422 Appeal 28 U.S.C. § 158
- ☐ 423 Withdrawal 28 U.S.C. §
157

Banks and Banking

- ☐ 140 Negotiable Instruments
- ☐ 430 Banks and Banking
- ☐ 875 Customer Challenge to
Subpoena (12 U.S.C. §
3410)

Anti-trust

- ☐ 410 Anti-Trust

Construction Contracts

- ☐ 130 Miller Act
- ☐ 190 Other Contracts

Securities Law &
Stockholder Suits

- ☐ 160 Stockholders' Suits
- ☐ 850 Securities/
Commodities/
Exchange

Other - Business/Comm.

- ☐ 196 Franchise
- ☐ 490 Cable/Satellite TV
- Consumer Credit**
- ☐ 371 Truth in Lending
- ☐ 480 Consumer Credit
- ☐ 190 Other Contracts

Constitutional Law

- ☐ 950 Constitutionality of
State Statutes
- ☐ 440 Other Civil Rights
(Constitutionality of
Federal Statutes)

Elections and Voting

- ☐ 400 State
Reapportionment
- ☐ 441 Voting

Other - Civil Rights

- ☐ 440 Other Civil Rights
- ☐ 443 Housing/
Accommodations
- ☐ 444 Welfare
- ☐ 446 Americans with
Disabilities

Civil Rights

Copyright & Trademark
(Intellectual Property)

- ☐ 820 Copyright
- ☐ 840 Trademark

Employment and Employee Benefits

Employment
Discrimination

- ☐ 442 Employment
- ☐ 445 Americans with
Disabilities-
Employment
- ☐ 440 Other - Civil Rights

ERISA

- ☐ 791 Employment Ret.
Inc. Security Act

Other Employment
Benefits

- ☐ 190 Other - Contract
- ☐ 442 Other -
Employment

Environmental Law

- ☐ 893 Environmental Matters

Immigration

- ☐ 462 Naturalization Application
- ☐ 463 Habeas Corpus - Alien
Detainees
- ☐ 465 Other Immigration Actions

Indian Law

- ☐ 890 Other Statutory Actions

Insurance

- ☐ 110 Insurance Contract

Labor and Occupational
Safety

- ☐ 660 Occupational
Safety/Health
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Management
Relations
- ☐ 730 Labor/Management
Reporting and Disclosure
Act
- ☐ 740 Railway Labor Act
- ☐ 790 Other Labor Litigation

Miscellaneous Civil Cases

- ☐ 150 Recovery of
Overpayment and
Enforcement of Judgment
(Collections)
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted
Student Loans (excluding
Veterans)
- ☐ 153 Recovery of
Overpayment of
Veterans' Benefits
- ☐ 370 Other Fraud
- ☐ 440 Other Civil Rights
(Immigration/Deportation)
- ☐ 450 Commerce
- ☐ 460 Deportation
- ☐ 610 Agriculture
- ☐ 620 Other Food and Drug
- ☐ 625 Drug related seizure of
property
- ☐ 630 Liquor Laws
- ☐ 640 Railroad and Truck

Miscellaneous Civil Cases
Continued

- ☐ 650 Airline Regs.
- ☐ 690 Other (Forfeiture)
- ☐ 690 Other (Health Care)
- ☐ 810 Selective Service
- ☐ 870 Taxes (U.S. Plaintiff or
Defendant)
- ☐ 871 IRS-Third Party (26
U.S.C. § 7609)
- ☐ 890 Other Statutory Actions
- ☐ 891 Agricultural Acts
- ☐ 892 Economic Stabilization
Act
- ☐ 894 Energy Allocation Act
- ☐ 895 Freedom of Information
Act
- ☐ 900 Appeal of Fee
Determination under
Equal Access to Justice
Act

Patents (Intellectual
Property)

- ☐ 830 Patents

Prisoner Petitions

- ☐ 510 Motions to Vacate
Sentence (2254)
- ☐ 510 Motions to Vacate
Sentence (2255)
- ☐ 530 General (Habeas)
- ☐ 535 Death Penalty
- ☐ 540 Mandamus and Other
- ☐ 550 Civil Rights (1983)
- ☐ 555 Prison Conditions (1983)

Real and Personal Property

- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent, Lease and
Ejectment
- ☐ 240 Torts to Land
- ☐ 290 All other Real Property
- ☐ 380 Other Personal Property
Damage

RICO

- ☐ 470 RICO

Social Security

- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

Mass Torts

- ☐ 360 Other Personal Injury

Products Liability

- ☐ 195 Contract Product
Liability
- ☐ 245 Tort Product Liability
- ☐ 315 Airplane Product
Liability
- ☐ 345 Marine Product
Liability
- ☐ 355 Motor Vehicle
Product Liability
- ☐ 365 Personal Injury
Product Liability
- ☐ 385 Property Damage
Product Liability

Professional Malpractice

- ☐ 362 Personal Injury -
Med. Malpractice

Motor Vehicle
Accidents/Slip and Fall

- ☐ 350 Motor Vehicles
- ☐ 360 Other Personal Injury

Other Torts and Personal
Injury Incl. Asbestos cases

- ☐ 360 Other Personal Injury
(Fed. Tort Claims Act)
- ☐ 310 Airplane
- ☐ 320 Assault, Libel and
Slander
- ☐ 330 Federal Employers'
Liability
- ☐ 360 Other Personal Injury
- ☐ 368 Asbestos Personal
Injury

Torts and Personal Injury

CONTINUED ON
REVERSE SIDE

V. ORIGIN (Place an "X" In One Box Only)

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (Specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge From Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 U.S.C. §1983

Brief description of cause:

Deprivation of civil rights in violation of 42 U.S.C. §1983; wrongful death from excessive force by West Warwick Police Department.

VII. REQUESTED IN COMPLAINT

☐ Check if this is a Class Action Under F.R.C.P. 23

DEMAND \$

JURY DEMAND: ☒ Yes ☐ No
(Check YES only if demanded in complaint)

VIII. RELATED CASE(S) IF ANY

JUDGE William Smith

DOCKET NUMBER 08-325

Because of the need for accurate and complete information, you should ensure the accuracy of the information provided prior to signing the form.

May 4, 2009

Date


Signature of Attorney of Record

INSTRUCTIONS FOR COMPLETING CIVIL COVER SHEET JS-44
Authority for Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. Listed below are tips for completing the civil cover sheet. These tips coincide with the Roman Numerals on the Cover Sheet.

- I. COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF/DEFENDANT (b) County of residence: For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- III. CITIZENSHIP OF PRINCIPAL PARTIES: This section is completed only if diversity of citizenship was selected as the Basis of Jurisdiction under Section II.
- IV. NATURE OF SUIT: Place an X in the appropriate box. Make sure to select the Nature of Suit from the category which best describes the primary cause of action found in your complaint. You must select only one nature of suit.
- VIII. RELATED CASES, IF ANY: This section of the JS-44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

FOR OFFICE USE ONLY

Receipt # _____ Amount _____ Applying IFP _____ Judge _____ Mag. Judge _____